

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

VICTOR TEON LINDSEY, II,
Plaintiff

v.

**RICHARD H. LENNY d/b/a THE
HERSHEY COMPANY,**
Defendant

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**Civil Action No. 1:09-cv-1236
(Chief Judge Kane)

(Magistrate Judge Mannion)**

MEMORANDUM ORDER

Before the Court is a report and recommendation from Magistrate Judge Malachy E. Mannion filed on November 25, 2009, advising that Plaintiff's complaint be dismissed for failure to prosecute the action under Federal Rule of Civil Procedure 41(b). (Doc. No. 11.) Plaintiff's claims had originally been docketed in two separate proceedings, Case Numbers 09-1236 and 09-1348; however, on August 25, 2009, the cases were consolidated when it was determined that the filings constituted the same claims against the same Defendant. (Doc. No. 8.) In conjunction with consolidating the cases, Magistrate Judge Mannion directed Plaintiff to file an amended complaint on or before September 18, 2009. (Doc. No. 8.) Subsequently, that deadline was extended to September 30, 2009. (Doc. No. 10.) Plaintiff has made no filing with the Court in the three months which have passed since that deadline. Plaintiff has also not responded to the report and recommendation advising that his case be dismissed for failure to prosecute. (Doc. No. 11.)

Upon review of the docket, however, it appears that Plaintiff Lindsey was transferred to another location shortly after he was ordered to file an amended complaint to avoid dismissal of his case.¹ Moreover, Magistrate Judge Mannion's report and recommendation that the case be

¹Plaintiff failed to provide notice to the Court of his change in address despite his obligation to do so under Middle District of Pennsylvania Local Rule 83.18. Local Rule 83.18

dismissed appears to have been mailed to Plaintiff's previous address and thus may not have been received by Plaintiff.

AND NOW, this 12th day of January 2010, upon consideration of the foregoing, **IT IS HEREBY ORDERED** that:

- 1) The Clerk of Court is directed to serve a copy of the report and recommendation (Doc. No. 11) on Plaintiff at his current address;
- 2) Plaintiff shall file any objections to the report and recommendation on or before Thursday, January 21, 2010. Failure to object to the report and recommendation will be deemed a concurrence that the case should be dismissed.

S/ Yvette Kane
Yvette Kane, Chief Judge
United State District Court

provides that litigants not represented by counsel "shall maintain on file with the clerk a current address at which all notices and copies of pleadings, motions or papers in the action may be served upon such party." M.D. Pa. L.R. 83.18. Hereinafter, Plaintiff is on notice of his obligation to continuously keep the Court informed of his current address; all filings sent to Plaintiff at his address of record will be deemed to be effectively served. M.D. Pa. L.R. 83.18.